

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/26/2019

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HANS GEORGE ALEXANDER,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendants.
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17 Civ. 3170 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 8, 2019, Judge Debra Freeman issued a Report and Recommendation to sanction Plaintiff for discovery violations (Dkt. No. 73);

WHEREAS, as stated in Judge Freeman's February 8, 2019, Report and Recommendation, the parties "have fourteen (14) days from service of this Report to file written objections" (Dkt. No. 73);

WHEREAS, no timely objection was filed;

WHEREAS, in reviewing a Report and Recommendation of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Poulos v. City of New York*, No. 14 Civ. 3023, 2018 WL 3745661, at *1 (S.D.N.Y. Aug. 6, 2018) (internal quotation marks omitted).

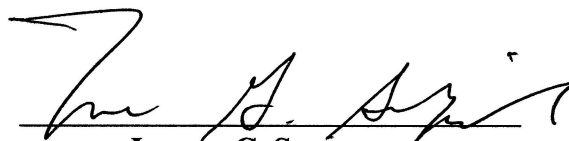
WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report and Recommendation is adopted. For the reasons stated in the Report and Recommendation, Defendant's motion to dismiss for failure to prosecute is DENIED and Defendant's motion for preclusive sanctions is GRANTED such that (1) Plaintiff

shall be precluded from introducing into evidence, for any purpose, either on summary judgment or at trial, any affidavit he submitted to the state court in connection with his underlying criminal case; and (2) Plaintiff shall be precluded from claiming, either on summary judgment or at trial, any economic damages resulting from the arrest's impact on his ability to open a bank account.

The Clerk of Court is respectfully directed to close the open motion at Docket No. 68 and mail a copy of this Order to pro se Plaintiff.

Dated: February 26, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE